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US to investigate possible leaks to Billy Carter

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WASHINGTON — A Justice Department unit investigating Attorney General Benjamin R. Civiletti's role in the Billy Carter case has been given broad powers to expand its inquiry to include whether the President's brother was tipped to the government's case by someone in the Administration.

In a special order to be published in today's Federal Register, the Office of Professional Responsibility is given authority to conduct proceedings before grand juries and investigate "possible improper disclosure of confidential information to (Billy) Carter."

The grand jury power is not unprecedented for the internal unit, but the language of the order gives a much broader scope to the inquiry than was expected when it was announced July 25.

The order was signed last Friday by Deputy Attorney General Charles Renfrew, who has been acting attorney general in Civiletti's absence, and a Department spokesman said the language had been drafted by the Office of Professional Responsibility under Michael Shaheen.

"It's fair to say," said the official, "that now that they've put this down on paper, this investigation is much more than most people would have thought it would be."

Shaheen's unit began to investigate Civiletti's role when the Attorney General revealed that, contrary to previous statements by himself and the Administration, he had talked to the President about Billy Carter's dealings with Libya before Billy settled the case with the Justice Department by registering as a foreign agent.

Civiletti, who has been traveling in Hawaii and the Pacific this week, revealed Wednesday he also waited nearly two months this spring before informing Justice investigators of intelligence information he had received regarding payments by Libya to the President's brother.

Shaheen's office already is believed to be looking into this statement by Civiletti, but the broad authority now given the internal unit goes beyond the Justice Department or the specific actions of the Attorney General.

The first section of the new order gives a mandate "to investigate for criminal, civil and administrative purposes, any offenses arising from the activities of Billy Carter in acting as an alleged agent of the Libyan government, including, but not limited to, the conduct of any and all government employees or appointees, or any other persons."

those activities, the activities of Mr. Carter, improper disclosures of information relating to the investigation of Mr. Carter, and possible improper disclosure of confidential information to Mr. Carter, or others, relating to Mr. Carter's activities."

Apart from the authority to conduct grand jury proceedings, the order states Shaheen's unit can obtain and review all documentary evidence from any source; receive appropriate national security clearances in case of classified information; and inspect the original or a copy of any tax return.

Whether Billy Carter was tipped by the Administration is a question that has interested members of a Senate committee investigating the case, and most attention has focused on Billy Carter's sudden interest in June in discussing inquiry with Justice.

A call to the Department by Billy Carter's attorney, and then one the next day by Billy Carter himself in early June, seem to coincide with evidence received by the Department then that the President's brother had received payments from Libya.

The White House has denied receiving or passing on any pertinent information then to the President's brother, and in his conversation with the President June 17, Civiletti said he did not mention the \$220,000 Billy Carter had by then admitted receiving. He said it was a loan.

Of that sum, \$200,000, was received from Libya in April, and the intelligence information then turned over to the Attorney General is believed to pertain to this payment. Civiletti said this week he did not want to jeopardize his source and the transaction by telling Justice investigators. It was not until June, shortly before Billy Carter's calls, that he made the information available.

Sen. Robert Dole (R-Kan.), a member of the Senate panel investigating Billy Carter, said yesterday Civiletti might have "deliberately" obstructed justice. The Attorney General has denied any wrongdoing.

Faced with a sensitive situation, Civiletti said he took the precaution of advising his Criminal Division to be certain not to close the Billy Carter inquiry, and after his investigators found out about the payments through their own sources, he readily made the intelligence report available.

That report, which never went to the White House, according to the Administration, has been described as critical evidence. But it still is not certain if Civiletti's cautiousness slowed the investigation. Assistant Attorney General Philip Hymann, chief of the Criminal Division, has refused any comment pending his expected appearance before the Senate committee this month, and Joel Lisker, the chief investigator on the case, also has been unavailable for comment.

In contrast with Civiletti's caution, National Security Adviser Zbigniew Brzezinski called Billy Carter himself after receiving a second, slightly earlier, intelligence report regarding Billy Carter's role as broker with Libya for an oil company.

In a report to the Senate this week, Brzezinski said he made the call in March, and White House press secretary Jody Powell said yesterday the Administration believes the date was Mar. 31. Brzezinski made no specific mention of the classified nature of the information he had received from CIA Director Stansfield Turner, but did allude to it.

"As you probably know, in the nature of my job a great deal of information flows across my desk," Brzezinski remembers telling the President's brother. "I have recently seen some information which seems to suggest that you are engaged in an oil deal, and that you are seeking an increased allocation from Libya for a US oil company."

Brzezinski's office said yesterday he does not recall telling Turner first that he intended to call Billy Carter, but through a spokesman, the national security adviser said he took care not to make any reference to the information being classified.

Brzezinski and Civiletti are expected to be called by the Senate committee when it begins full hearings after the Democratic Convention. It is less certain the President will appear. For the moment, the bigger concern for the panel is to find a special counsel; former Watergate prosecutor James Neal yesterday declined the job because of the demands of his private practice.